

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SCIOLI TURCO, INC. and	:	
915 SPRING GARDEN ASSOCIATES LP,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 21-563
PHILADELPHIA & READING RAILROAD	:	
CO. and READING INTERNATIONAL, INC.	:	

ORDER

AND NOW, this 14th day of November, 2023, upon consideration of Respondents' Motion to Dismiss (ECF No. 13), and all documents submitted in support thereof and in opposition thereto, and in light of this Court's April 20, 2023, Order that the Motion will be treated as a Motion for Summary Judgment under Rule 56, it is **ORDERED** that the Respondents' Motion is **GRANTED**. Accordingly, Plaintiffs' Complaint is **DISMISSED *without prejudice***.¹

IT IS SO ORDERED.

BY THE COURT:

/s/ R. Barclay Surrick
R. Barclay Surrick, J.

¹ Plaintiffs may refile their action in this Court or the Court of Common Pleas of Philadelphia County upon the Surface Transportation Board's approval of the abandonment of the 9th Street Branch.